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Atty. Dkt. No. 016906-0512

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel HENDRIX et al.
Title: HEAT EXCHANGER, ESPECIALLY CHARGE-AIR/COOLANT RADIATOR
Appl. No.: 10/579,039
International Filing Date: 11/10/2004
371(c) Date: 05/10/2006
~~Examiner:~~ Teresa J. Walberg
Art Unit: 3744
Confirmation Number: 4979

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of any of a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

The foregoing documents A1 and A18 came to Applicants' attention during a search of the corresponding European application. The European Patent Office made certain characterizations of the references. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the European Search Report. A copy of the extended European Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

Documents A8, A13 and A18 belong to the same "patent family," whereby the English language document may assist the PTO in understanding the content of the non-English language document.

WO 01/67021 and U.S. 4,572,766 cited in the European Search Report was previously submitted on May 10, 2006 and April 22, 2009 respectively and is not included herewith.

In a counterpart Japanese application, an Office Action dated December 16, 2009, was received by Applicants. The Japanese Patent Office made certain characterizations of the references. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Japanese Office Action. A copy of the Japanese Office Action is attached herewith.

Documents A3 and A22 belong to the same "patent family," whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Documents A5 and A23 belong to the same "patent family," whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Documents A6 and A21 belong to the same “patent family,” whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Documents A7 and A19 belong to the same “patent family,” whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Documents A24 and A25 belong to the same “patent family,” whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Documents A26 and A27 belong to the same “patent family,” whereby the English language document may assist the PTO in understanding the content of the non-English language document.

Unless otherwise indicated, no English translation is readily available (not considering machine-generated translations that may be freely available online, to both the Applicant and the PTO) for each of the non-English language documents. However, a commercially available English language abstract is provided herewith, where indicated on the attached Form PTO/SB/08. Inasmuch as Applicants have endeavored to provide at least one item that complies with the requirement for a “concise explanation of relevance” for each of the non-English language documents, each of these documents has been submitted in compliance with the PTO requirements and should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

FEE

Fees in the amount of \$180.00 to cover the fee associated with an information disclosure statement under 37 CFR §1.97(c) are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 28, 2009

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